

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,

Plaintiff,

vs.

Gary Roy Desjarlais,

Defendant.

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ORDER

Case No. 4:04-cr-015

On June 2, 2009, the defendant, Gary Roy Desjarlais, made his initial appearance on a petition for revocation of supervised release. He subsequently waived his right to detention and preliminary hearings. He is being held at the North Central Regional Correction Center in Rugby, North Dakota, pending a revocation hearing on June 29, 2009.

On June 10, 2009, Desjarlais filed a Motion to Vacate Supervised Release Condition. He seeks an order from the court vacating a condition of his supervised release prohibiting him from having contact with his wife, Tammy Desjarlais.¹ Attached to the motion is an affidavit from Tammy Desjarlais wherein she requested that the “no contact” condition be lifted.

The Government filed a response to the Desjarlais’s motion on June 12, 2009, stating that it had no objection to the suspension of the “no contact” condition while Desjarlais is incarcerated and pending his revocation hearing.

Accordingly, the court **GRANTS** Desjarlais’s motion (Docket No. 37) in part and **ORDERS** that the condition of supervised release that prohibits him from having contact with Tammy Desjarlais be suspended pending his revocation hearing.

Dated this 15th day of June, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge

¹On April 22, 2009, the court, with Desjarlais's consent, imposed an additional condition of release that prohibited Desjarlais from having contact with his wife. See Docket No. 24.